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Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

JOHN DOE,

Plaintiff,

v.

UNIVERSITY OF OREGON,

Defendant.

Case No. 6:17-cv-01103-MK

**PLAINTIFF'S UNOPPOSED  
MOTION TO SEAL HEARING**

**CERTIFICATION REQUIREMENT LR 7-1**

Plaintiff certifies that a good faith effort has been made to resolve the dispute referenced herein and Defendant has stipulated that the motion should be granted.

**MOTION TO SEAL HEARING**

Plaintiff moves the court for an Order sealing the hearing on Defendant's Motion for Partial Summary Judgment, excluding the public from observing the hearing, and excluding from the hearing any persons not otherwise authorized under Section 7 of this Court's Protective Order (Dkt. #42).

## POINTS AND AUTHORITIES

The parties entered into a Stipulated Protective Order (Dkt. #42) (“SPO”) that the court approved and entered on October 25, 2018. The SPO provides in Section 9 that:

“Whenever information designated as “Confidential” pursuant to this Protective Order is to be discussed by a party or disclosed in a deposition, hearing, or pre-trial proceeding, the designating party may exclude from the room any person, other than persons in paragraph 7, as appropriate, for that portion of the deposition, hearing or pre-trial proceeding.”

Defendant’s Motion for Partial Summary Judgment (“MSJ”) submitted deposition excerpts under seal as all depositions in this case were designated “Confidential” subject to the SPO. Plaintiff’s Response to Defendant’s Motion for Partial Summary Judgment was filed entirely under seal as all proffered exhibits with that Response had been designated “Confidential” subject to the SPO (with the exception of the parties’ Partial Settlement Agreement) and were filed under seal as required by Sections 4 and 6 of the SPO, which provide that:

4. If portions of documents or other materials deemed “Confidential” or any papers containing or making reference to such materials are filed with the Court, they shall be filed under seal \* \* \*”

6. “Confidential” information and documents subject to this Protective Order shall not be filed with the Court or included in whole or in part in pleadings, motions, briefs, etc., filed in this case, except when any portion(s) of such pleadings, motions, briefs, etc., have been filed under seal by counsel and marked in the same manner as described in paragraph 4 above.”

Defendant’s Reply in support of its Motion for Partial Summary Judgment made references to several of the sealed documents submitted by Plaintiff without redaction of its brief as required by Section 4 of the SPO.

As evidenced by Plaintiff’s Response, and as it is apparent from Defendant’s Reply, the parties intend to refer to, discuss, or disclose information designated as “Confidential” during oral argument concerning Defendant’s Motion for Partial Summary Judgment.

Accordingly, it is necessary for the court to seal the hearing on Defendant’s Motion for Partial Summary Judgment, exclude the public from observing the hearing, and exclude from the

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hearing any persons not otherwise authorized under Section 7 of the SPO.

DATED: September 14, 2020.

Respectfully Submitted,

/s/ Richard S. Yugler

Richard S. Yugler, OSB #804167

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Attorney for Plaintiff John Doe

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2020, I served the foregoing PLAINTIFF'S

UNOPPOSED MOTION TO SEAL HEARING on:

Amanda M. Walkup  
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by the following indicated method or methods:

- ☒ CM/ECF system transmission.
- ☒ E-Mail (courtesy only).
- ☐ Email. As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were emailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ Facsimile communication device.
- ☐ First class mail, postage prepaid.
- ☐ Hand-delivery.
- ☐ Overnight courier, delivery prepaid.

*s/ Kathy Baker*

Kathy Baker, Legal Assistant to Attorney  
for Plaintiff John Doe